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Filing date: **10/27/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 92059174 |
| Party | Defendant MSC Microcomputers Systems Components Vertriebs GmbH |
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| Submission | Other Motions/Papers |
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| Signature | /kathy tsai/ |
| Date | 10/27/2015 |
| Attachments | EX A - amendment on consent and contingent withdrawal - for filing Oct 27 2015.pdf(12695 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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|---|---|---------------------------|
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| MSC SERVICES, CORP., SID TOOL CO., INC. | : | |
| (D/B/A MSC INDUSTRIAL SUPPLY CO.) | : | |
| | : | |
| Petitioners, | : | |
| | : | |
| against | : | Cancellation No. 92059174 |
| | : | |
| MSC MICROCOMPUTERS SYSTEMS | : | |
| COMPONENTS VERTRIEBS GMBH, | : | |
| | : | |
| Respondent. | : | |
| ----- | X | |

**AMENDMENT ON CONSENT PER 37 C.F.R. § 2.133 AND
CONTINGENT WITHDRAWAL OF PETITION FOR CANCELLATION**

Honorable Commissioner for Trademarks

Respondent, by its undersigned counsel, with the consent of Petitioners, hereby amends its United States Trademark Registration No. 4,448,231, as follows:

All goods and services listed in International Classes 016 and 035 shall be deleted.

The goods and services listed in International Class 009 shall be amended to read:

“Computers, namely, industrial PCs, human machine interface units comprising a computer and a display, panel PCs; embedded computers; embedded computer modules; embedded computer circuit boards and baseboards.”

The goods and services listed in International Class 042 shall be amended to read:

“Design and development of embedded computers; technology consulting services in the fields of embedded computers and embedded computing; technical support services, namely, troubleshooting problems in the fields of embedded computers and embedded computing; providing information in the fields of developing embedded computers and embedded computing over computer networks and global communication networks.”

Because the proposed amendment narrows the description of goods in two classes and because no re-publication would be required, the parties submit that the amendment is

permissible. The proposed amendment is believed to comply with all other rules and statutory provisions, including those set forth in 37 C.F.R. §§2.71-2.75. The TBMP provides that when a request to amend an application which is the subject of a Board *inter partes* proceeding is made with the consent of the other party, and the proposed amendment is in accordance with the applicable rules and statutory provisions, the request should be approved by the Board. *See* TBMP §514.02. Thus, the Board's approval is respectfully requested.

Petitioners, with the consent of Respondent and contingent on the acceptance of the above-stated amendment, hereby withdraw with prejudice their Petition for Cancellation of United States Trademark Registration No. 4,448,231 as amended.

Respectfully submitted,

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